

SENATE BILL REPORT

2SHB 1176

As Reported By Senate Committee On:
Human Services & Corrections, April 1, 1999
Ways & Means, April 5, 1999

Title: An act relating to retention of records pertaining to sexually violent offenses.

Brief Description: Requiring the retention of records pertaining to sexually violent offenses.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives O'Brien, Koster, Kagi, Ballasiotes, Cairnes, Lovick, Hurst, Tokuda, Dickerson, Kenney, Campbell, Ogden, Dunn, Santos, Conway, Esser, Lantz, Rockefeller and McIntire; by request of Department of Corrections).

Brief History:

Committee Activity: Human Services & Corrections: 3/23/99, 4/1/99 [DPA-WM].
Ways & Means: 4/5/99 [DPA (HSC)].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.
Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Staff: Aldo Melchiori (786-7439)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Human Services & Corrections.
Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Staff: Bryon Moore (786-7726)

Background: The End of Sentence Review Committee is responsible for ensuring that all sex offenders are reviewed prior to their release from the Department of Corrections. The committee determines if the offender should be referred to a prosecuting attorney as a potentially sexually violent predator. Determining whether an offender has acted in a predatory manner can be hampered by the absence of information regarding prior convictions.

Generally, public records are open for public inspection and copying. Official public records are not destroyed unless: (1) the records are more than six years old, (2) the department

shows that retention for six years is both unnecessary and uneconomical, or (3) the records have been reproduced and preserved in a process approved by the State Archivist.

Summary of Amended Bill: Records of investigative reports pertaining to sex offenses and sexually violent offenses are transferred to the Washington Association of Sheriffs and Police Chiefs for permanent electronic retention and retrieval instead of being destroyed. The documents are no longer public records and are exempt from public disclosure. The records may be disseminated to criminal justice agencies for the sole purpose of determining if a sex offender meets the criteria of a sexually violent predator. The records may be disseminated to victims for purposes of obtaining civil redress.

Amended Bill Compared to Second Substitute Bill: The records are not destroyed after the death of the offender. Records may be disseminated for the purpose of assisting victims to obtain a civil remedy.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Investigative reports need to be preserved to provide necessary detail for assessments of whether a person is a sexually violent predator. Restricting access to investigative records mitigates cost while maintaining the ability to accurately assess community risk.

Testimony Against: Investigative records should remain accessible to the public. A victim's ability to initiate a civil suit may be compromised if the investigative records are removed from the public domain.

Testified: PRO: Representative Al O'Brien, prime sponsor; Victoria Roberts, DOC; Suzanne Brown, WA Coalition of Sexual Assault Programs; Larry Erickson, WASPC; CON: Rowland Thompson, Allied Daily Newspapers of Washington.